

STATE OF INDIANA) IN THE HAMILTON SUPERIOR COURT 1
) SS:
COUNTY OF HAMILTON) CAUSE NO. 29D01-0703-PL-277

STATE OF INDIANA,

Plaintiff,

v.

RHONDA KLEIN, and

RICHARD KLEIN,
individually and doing business as
KLEIN AND SONS CONSTRUCTION, LLC

Defendants,

and

FIFTH THIRD BANK,

Garnishee-Defendant

**AGREED PRELIMINARY INJUNCTION AND
ATTACHMENT AND GARNISHMENT**

The Plaintiff, State of Indiana, by Attorney General Steve Carter and Deputy Attorney General Terry Tolliver, and the Defendants, Rhonda Klein and Richard Klein, submit the following agreed entry on the Plaintiff's Motion For Temporary Restraining Order and Preliminary Injunction and Motion for Prejudgment Attachment and Garnishment:

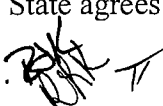
1. For the purpose of this Agreement, but without waiving the right to contest jurisdiction or venue in a responsive pleading to the complaint filed on March 9, 2007, the parties agree this Court has jurisdiction and venue over the subject matter of this action and the parties hereto.

2. The parties voluntarily waive hearing on the Plaintiff's Motion for Preliminary Injunction and agree to this Court entering a Preliminary Injunction and Prejudgment Attachment and Garnishment against the Defendants, Rhonda Klein and Richard Klein, pending final resolution of this matter, per the following terms and conditions. The parties further agree this Order shall supersede the Temporary Restraining Order and Order of Prejudgment Attachment and Garnishment entered by this Court on March 9, 2007.

3. The Defendants, Rhonda Klein and Richard Klein, shall pay all proceeds received from the sale of any assets or inventory, including puppies located at the Defendants' dog kennel, Indy Saint Bernards, to the Office of the Attorney General. These funds are to be held in escrow pending final resolution of this matter. The amount owed on the current litter of puppies is agreed to be Two Thousand Two Hundred Dollars (\$2,200.00), of which the Defendant, Rhonda Klein, shall keep Five Hundred Dollars (\$500.00) and shall immediately deliver the balance of One Thousand Seven Hundred Dollars (\$1,700.00) upon her receipt to the Office of the Attorney General, which shall also be held in escrow pending final resolution of this matter.

4. Upon approval of this Order, the Garnishee Defendant, Fifth Third Bank, shall immediately release the funds held in the Defendant, Rhonda Klein's, checking account, number 68820953, to the State of Indiana. Upon immediate release of these funds, the Garnishee Defendant, Fifth Third Bank, shall issue a payment to the Defendant, Rhonda Klein, in the amount of Four Hundred and Sixty-Five Dollars (\$465.00), which shall be used to pay shipping

costs associated with the sale of two (2) puppies. The balance of the account shall be paid to the Office of the Attorney General to be held in escrow, pending final resolution of this matter. Upon distribution of these funds, the State of Indiana agrees to release any attachment and/or garnishment it currently holds on this account. Thus, the attachment and garnishment on this checking account shall terminate and expire after the above distributions are made.

5. The Defendants shall agree to pay a minimum of Five Hundred Dollars (\$500.00) per month, due on the last day of each month beginning in April, to the Office of the Attorney General to be held in escrow, pending final resolution of this matter. Defendants shall not be required to make payments that exceed the amount sought by State as restitution and if Defendants prevail or a judgment is entered in an amount less than the sum held in escrow the State agrees to immediately refund the amount paid plus *all* interest. *as allowed by law.* 

6. To secure the payments authorized in Paragraphs 3 and 5 of this Order, the Plaintiff, State of Indiana, shall have a lien on all property subject to execution in Hamilton County, and this Order shall bind this property from the date of entry of this Order, up through and until final resolution of this matter.

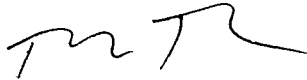
7. The Defendants shall not directly or indirectly destroy or otherwise dispose of any business records, or other documents reasonably deemed relevant to the State of Indiana's investigation and prosecution of this matter, which are currently in their possession, custody, or control, without receiving prior written approval from the Office of the Attorney General.

8. The parties acknowledge and agree that by entering into this Agreement, the Defendants have not waived any and all defenses that they may have to any and all claims set forth in the Complaint filed in this cause on March 9, 2007, or the right to attempt to set aside the default judgment under Cause No. 49D11-0203-PL-0483.

All of which is agreed upon this 16 day of March, 2007.

STEVE CARTER
Indiana Attorney General
Attorney no. 4150-64

By:



Terry Tolliver
Deputy Attorney General
Attorney No. 22556-49


RHONDA KLEIN
RICHARD KLEIN

All of which is **ORDERED, ADJUDGED AND DECREED** this 16 day of March, 2007.


Judge, Hamilton Superior Court

Distribution:

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Indianapolis, IN 46204

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Richard Klein
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Sheriff of Hamilton County

Courtesy Copy:
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